

REMARKS

The Office Action dated September 26, 2005 has been carefully considered. Claims 1, 14, and 18 have been amended. Claims 1-23 are in this application.

Support for the amendments to claims 1, 14 and 18 is found throughout the specification and in particular on page 4, lines 1-2, page 5, lines 10-14 and page 7, lines 6-8. Support for new claims 21-23 is found throughout the specification and in particular on page 8, lines 23-33.

The previously presented claims were rejected under 35 U.S.C. § 103 as obvious in view of the combined teachings of U.S. Patent No. 4,383,845 to Rutherford, U.S. Patent No. 5,906,941 to Shetty, U.S. Patent No. 5,876,479 to Hedgpeth, IV, and Tatterson et al. "Fish Silage", J. Sci. Fd. Agric, 25:369-379, 1974. Applicant submits that the teachings of the cited references do not teach or suggest the invention defined by the present claims.

The present invention teaches that an organic composition of cold stressed fish species from the waters of the North Atlantic and cold tolerant seaweed species with geothermal water are enriched in stress-related soluble amino acids, such as proline and its precursors, see page 3, line 20-25 of the present application. The compositions can be used for stimulating stress-related plant antioxidants in field grown and nursery plants.

Rutherford discloses a foliar growth promoting mixture including liquid seaweed (50% of the mixture), 25% fish emulsion and liquid humus. The overall mixture has water soluble nutrients from carbohydrates and enzymes which increases yield and protein content.

In contrast to the invention defined by the present claims, Rutherford does not teach or suggest an organic composition and method of preparing an organic composition comprising fish harvested from the cold waters combined with a cold tolerant species of seaweed and geothermal water. The use of cold tolerant seaweed provides a source of cytokins which contribute significantly to stimulation of short growth and have natural stress modulations from the proline pathway (see page 5, lines 17-20 of the present application). There is no teaching or suggestion of the beneficial effects of using a fish from the North Atlantic waters and cold tolerant species of seaweed. Further, Rutherford teaches adding dehydrated seaweed to tap water for forming liquid seaweed. (Col. 3, lines 34-47). Thus, Rutherford does not teach or suggest the use of

geothermal water enriched in sulfur and teaches away from the present invention by teaching the use of tap water.

Shetty discloses a composition for plant tissue culture comprising plant tissue culture medium and fishing by-products including fish protein hydrolysate and fish waste. The plant tissue culture is selected from Murashige & Skoog medium, Schenk & Hildebrandt medium, White medium, and Gamborg's B5 medium.

In contrast to the invention defined by the present claims, Shetty does not teach or suggest an organic composition and method of preparing an organic composition comprising fish harvested from the cold waters combined with a cold tolerant species of seaweed and geothermal water. Instead, Shetty discloses adding fish wastes to plant tissue culture medium. There is no teaching or suggestion of the use of a cold tolerant species of seaweed and the advantages of the present. Accordingly, Shetty does not cure the deficiencies of Rutherford noted above.

Hedgpeth, IV discloses a method of manufacturing a water soluble liquid soil enhancer comprising humic acid, sodium biocarbonate, hydrolyzed protein sodium, citric acid, calcium carbonate and seaweed.

In contrast to the invention defined by the present claims, Hedgpeth, IV does not teach or suggest an organic composition and method of preparing an organic composition comprising fish harvested from the cold waters combined with a cold tolerant species of seaweed and geothermal water. Rather, Hedgpeth, IV teaches the use of a typical type of fish meal. Further, Hedgpeth, IV teaches away from the use of cold tolerant species of seaweed by teaching the preferred seaweed is *Ascrophyllum Nodosum*. Accordingly, Hedgpeth, IV does not cure the deficiencies of Shetty and Rutherford described above.

Tatterson et al. disclose fish silage made using sprats, herring offal, sand-eels, white fish offal and mackerel.


In contrast to the invention defined by the present claims, Tatterson et al. does not teach or suggest an organic composition and method of preparing an organic composition comprising fish harvested from the cold waters combined with a cold tolerant species of seaweed and geothermal water. There is no teaching or suggestion in Tatterson et al. of the advantages of a composition comprising fish from the North Atlantic waters, cold tolerant seaweed species and

geothermal water and Tatterson et al. do not add anything to the references cited above. Accordingly, the invention defined by the present claims is not obvious in view of the combination of Rutherford, Shetty, Hedgepeth IV and Tatterson et al.

In view of the foregoing, Applicant submits that all pending claims are in condition for allowance and request that all claims be allowed. The Examiner is invited to contact the undersigned should he believe that this would expedite prosecution of this application. It is believed that no fee is required. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 13-2165.

Respectfully submitted,

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